

**FEDERAL COMMUNICATIONS COMMISSION**  
**Enforcement Bureau**  
**Market Disputes Resolution Division**  
**445 12<sup>th</sup> St., S.W.**  
**Washington, D.C. 20554**

**Via Email and First-Class Mail**

June 19, 2018

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Counsel for Birch Communications, Inc.

**Re: *CenturyLink Communications, LLC, and Level 3 Communications, LLC, v. Birch Communications, Inc., Docket No. 18-73, File No. EB-18-MD-002***

Dear Counsel:

We grant the parties' Joint Motion to hold this complaint proceeding in abeyance until September 17, 2018.<sup>1</sup> The Joint Motion states that the parties "have reached a voluntary settlement of their disputes and have executed mutual releases," and that the settlement "will become fully and finally effective ninety calendar days from June 18, 2018."<sup>2</sup> The Joint Motion further states that when the terms of the settlement are "fully and finally effective," the parties will file a joint motion to dismiss the Complaint.<sup>3</sup>

The Commission has broad discretion to "conduct its [formal complaint] proceedings as will best conduce to the proper dispatch of business and to the ends of justice."<sup>4</sup> We are satisfied that holding this proceeding in abeyance serves the public interest by promoting settlement, which, if successful, will eliminate the need for the expenditure of time and resources by the parties and this Commission.

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<sup>1</sup> Joint Motion to Hold Proceeding in Abeyance, Proceeding Number 18-73, Bureau ID Number EB-18-MD-012 (filed June 19, 2018) (Joint Motion). See Formal Complaint, Docket No. 18-73, File No. EB-18-MD-002 (filed Mar. 23, 2018) (Complaint).

<sup>2</sup> Joint Motion at 2.

<sup>3</sup> *Id.*

<sup>4</sup> 47 U.S.C. § 154(j). See, e.g., 47 U.S.C. § 154(i); *Implementation of the Telecommunications Act of 1996, Amendment of Rules Governing Procedures to Be Followed When Formal Complaints Are Filed Against Common Carriers*, Report and Order, 12 FCC Rcd 22497 (1997).

This letter ruling is issued pursuant to Sections 4(i), 4(j), and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 208, Sections 1.106, 1.720-1.736 of the Commission's rules, 47 CFR §§ 1.106, 1.720-1.736, and the authority delegated in Sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Lisa Saks", is positioned above the printed name and title.

Lisa Saks  
Assistant Division Chief  
Market Disputes Resolution Division  
Enforcement Bureau